

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:12-CV-202**

APRIL SMITH,

Plaintiff,

v.

JASON MUNDAY, in his individual and
official capacities as an employee of the City
of Lincolnton, CHARLES MCGINLEY, in
his individual and official capacities as an
employee of the City of Lincolnton, BRIAN
GREENE, in his individual and official
capacities as an employee of the City of
Lincolnton, MARK LESASSIER, in his
individual and official capacities as an
employee of the City of Lincolnton,
RODNEY JORDAN, in his individual and
official capacities as an employee of the City
of Lincolnton, CITY OF LINCOLNTON,
LINCOLNTON POLICE DEPARTMENT,
JOHN AND JANE DOE, AND RUFUS
LYNCH, SR.,

Defendants.

ORDER

BEFORE THE COURT is Defendant Mark Lesassier’s Motion for Summary Judgment, (Doc. 41), to which Plaintiff April Smith (“Plaintiff”) has responded, (Doc. 45). Defendant Lesassier filed a reply to Plaintiff’s response. (Doc. 49).

On December 23, 2014, this Court dismissed all claims against Defendants Jason Munday, Charles McGinley, Brian Green, Rodney, City of Lincolnton, and Lincolnton Police Department. (Doc. 37). Defendant Lesassier was not included in these motions because this Court granted him an extension of time. *See* (Doc. 26).

Of import to the Court's analysis is that the affidavit submitted in response to Lesassier's Motion for Summary Judgment is the same affidavit submitted in response to the other Defendants' motions. *Compare* (Doc. 31-1) *with* (Doc. 45-1). The Court sees little reason to repeat its analysis from the December Order as there is nothing to add because Defendant was an arresting, not investigating officer. (Doc. 41-1, at ¶¶ 7-10). The Court has already determined that Officer Brian Green should be dismissed; discussing, *inter alia*, that "Officer Green's sole involvement in this case was to arrest Plaintiff pursuant to a facially valid warrant that had her name of it." (Doc. 37, at 9). Plaintiff has not brought to attention to any authority that Lesassier should be treated any differently. Accordingly, the Court incorporates by reference its analysis set forth in its December 23, 2014 Order (Doc. 37) and **GRANTS** Defendant Lessasier's Motion for Summary Judgment (Doc. 41).

Signed: April 6, 2015

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is fluid and cursive, with the first name "Richard" and last name "Voorhees" clearly legible.

Richard L. Voorhees
United States District Judge

